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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE AND DETENTION

Written statement*/ submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 March 2000]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

Inhuman detention conditions... the need for international controls

The International Federation of Action by Christians for the Abolition of Torture (FI.ACAT) draws the attention of the Commission on Human Rights to the issue of people being detained in inhuman and degrading conditions in two countries in particular.

1. In the State of São Paulo in Brazil, the rise in juvenile delinquancy and an increase in the number of detention orders given by the courts are two factors which have contributed towards serious and permanent overcrowding in the two centres for minors, managed by the Fundação do Bem-Estar do Menor (FEBEM). The one in Tatuapé, which was designed to take 800 minors, accommodates almost twice as many, and the one in Imigrantes, which has a capacity of 364, has a population five times greater!

As a result, there are not enough mattresses in the cells and they are often soiled because access to the toilets is forbidden at night; sanitation is no longer adequate and on top of this facilities are dilapidated; with less than a minute being allowed to take a shower and soap being shared, skin diseases are rife. During the day, while some detainees may benefit from literacy classes, most remain at a loose end in the yard, without even a football to play with. A delegation from Amnesty International and other human rights defence organisations was able to see this when it visited the site.

The situation is made still worse by the violence. As a result of this overcrowding and the fact that there is no separation between those on remand and those who have been sentenced or between different age groups, violence abounds between detainees. On 20 October last, four young people were apparently killed by their fellow detainees. Moreover, violence is used by the prison officers, who are notably insufficient in number (there is one for around every 80 detainees) and lacking in training, but also by the military police called in as reinforcements to prevent escapes (on 26 August 1999, 60 young people were hurt); furthermore, in September there were no less than 12 riots in 15 days, and the ensuing crackdown - when the anti-riot police went so far as to fire rubber bullets at the families present round about - was widely broadcast on television.

FI.ACAT asks the Commission to call on the Brazilian Government to remedy situations of this kind where the integrity and dignity of these minors are being attacked, and to give judges the means to recommend one of the five alternative punishments provided in law - at Tatuapé, around 70% of the young people could be affected - so as to avoid trapping them in the cycle of delinquancy and recidivism.

FI.ACAT notes furthermore that although the Brazilian Government ratified the Convention Against Torture in 1989, since then it has never discharged its obligation to produce periodic reports.

2. In the Democratic Republic of Congo, where there is an ongoing armed conflict, arbitrary detention has become a systematic practice, whether in the part of the country controlled by the government or in that controlled by the rebels.

The government has attacked those in positions of political authority, defenders of human rights, union leaders, journalists, soldiers, students, and so on. These people have been arrested and detained in cells and in other secret locations belonging to the ANR (Agence Nationale des Renseignements), the police, the GSSP (Groupe Spécial de la Sécurité Présidentielle), and the DEMIAP (Détection des Activités Militaires Anti-Patrie), where they are being subjected to torture and ill-treatment.

In the other part of the country, the RCD and the Rwandan, Ugandan and Burundian armies are attacking civilians and in particular anyone who is or is presumed to be an opponent. Thus, peasants, intellectuals, local leaders and defenders of human rights have been arbitrarily detained in the cells of the information services, in military camps and in officers' private residences!

Concerned by these practices which undermine human dignity, FI.ACAT asks the Commission on Human Rights to demand that the conflicting parties respect the integrity of those under arrest.

FI.ACAT also finds that the government has not always discharged its obligation to produce periodic reports following the entry into force of the Convention Against Torture in the DRC in April 1997.

3. These examples clearly demonstrate the urgency - already underlined at the World Conference on Human Rights in June 1993 - of seeing the optional protocol to the Convention Against Torture finally adopted so that its future sub-committee can carry out visits to detention centres and recommend, with the cooperation of governments, the required measures.

FI.ACAT, which is a member of CINAT (Coalition of International NGOs Against Torture), asks the Commission on Human Rights to insist that governments facilitate the final adoption of the text on the protocol, as this mechanism should offer effective prevention and make it possible to visit all detention centres, be they military or private.